

Chapter 7

ANIMALS AND FOWL*

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ARTICLE I. IN GENERAL

Sec. 7-1. Animal warden.

The city council shall, upon nomination of the chief of police, appoint a special policeman to be known as the animal warden for the city, and deputy animal wardens whose terms of office shall be at the pleasure of the chief of police, and it shall be the special duty of the animal warden and deputy animal wardens, subject to the supervision and control of the chief of police, to enforce this chapter and the statutes of the commonwealth relating to animals, particularly the provisions with respect to dogs contained in chapter 27.4, Title 3.1, Code of Virginia. To enable them to discharge their duties, the animal warden and deputy animal wardens shall have the power, perform the duties and be subject to the penalties that are by law prescribed. (Code 1959, § 25-4(b); Ord. No. O-01-171, 9-18-01)

Cross reference—Police, Ch. 31.

Sec. 7-2. Domestic animals generally at large.

No person shall permit a horse, mule or cow to go at large in the city. Anyone violating this section shall be deemed guilty of a class 4 misdemeanor. (Code 1959, § 4-3)

Charter reference—Authority to prevent animals running at large, § 38(21).

State law reference—Authority to regulate destructive dogs, Code of Virginia, § 3.1-796.117

Sec. 7-3. Dangerous animals at large.

No person shall suffer any animal belonging to him, or under his control, and known to be dangerous or mischievous, to go at large in the city. Any person violating this section shall be deemed guilty of a class 3 misdemeanor. If the owner of such animal shall fail to take it into his custody, after being notified so to do, such animal may be killed by any policeman who may deem it necessary for the safety of persons in the street. (Code 1959, § 4-5)

Sec. 7-4. Certain domestic animals not to go upon park space or grass plot in or adjacent to streets.

It shall be unlawful for any person to cause or permit any horse, mule or cow owned by him, in his custody, or under his control, to go or enter upon any park space or grassplot in any of the city's street right-of-way except areas paved for the purposes of vehicular travel. (Ord. of 5-27-75, § 4-6)

***Cross Reference**—Health department, § 2-349.

Sec. 7-5. Fowl at large.

It shall be unlawful for any person to permit any fowl belonging to him to go at large in the city.
(Code 1959, § 4-7)

Sec. 7-6. Repealed by Ord. No. O- 01- 171, 9-18-01.**Sec. 7-7. Cruelty to animals.**

(a) Any person who (i) overrides, overdrives, overloads, tortures, ill-treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; or (ii) deprives any animal of necessary sustenance, food, drink or shelter or emergency veterinary treatment; or (iii) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or (iv) carries or causes to be carried in or upon any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner so as to produce torture or unnecessary suffering; or (v) causes any of the above things, or being the owner of such animal permits such acts to be done by another, shall be guilty of a class 1 misdemeanor. Prosecution for violations of this subsection shall commence within five (5) years after commission of the offense. Prosecution of this subsection regarding agricultural animals, as defined in §3.1-796.66 of the Code of Virginia, shall commence within one (1) year after commission of the offense.

(b) Any person who abandons any dog, cat or other domesticated animal in any public place including the right-of-way of any public highway, road or street or on the property of another shall be guilty of a class 3 misdemeanor.

(c) Nothing in this section shall be construed to prohibit the dehorning of cattle.

(d) For the purposes of this section the word animal shall be construed to include birds and fowl.

(e) It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur, or pelt of the dog or cat. A violation of this subsection shall be a class 1 misdemeanor.

(f) In addition to the penalties provided in this section, the court may, in its discretion, require any person convicted of violating paragraph (a) to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such program or counseling upon the person convicted.

(g) For the purposes of this section the word person shall be held to include firms and corporations as well as individuals. (Code 1959, § 4-8, Ord. No. O-93-077, 3-23-93; Ord. No. O-01-171, 9-18-01)

Charter reference—Abuse of animals, § 38(22)

State law reference—Cruelty to animals, Code of Virginia, § 3.1-796.122 et seq.

Sec. 7-7.1. Care of animals by owner; penalty.

(a) Each owner shall provide for each of his companion animals:

- (1) Adequate feed;
- (2) Adequate water;
- (3) Adequate shelter that is properly cleaned;
- (4) Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;
- (5) Adequate exercise;
- (6) Adequate care, treatment, and transportation; and

(7) Veterinary care when needed or prevent suffering or disease transmission.

The provisions of this section shall also apply to every animal shelter, pound, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.

(b) Game and wildlife species shall be cared for in accordance with regulations promulgated by the Board of Game and Inland Fisheries by January 1, 1994, and any subsequent amendments or revisions to such regulations.

(c) Violation of this section is a class 4 misdemeanor. (Ord. No. O-01-171, 9-18-01)

Sec. 7-8. Disposal of animals dying from infectious, contagious diseases.

When any animal shall die of a contagious or infectious disease, the owner thereof shall forthwith notify the state department of agriculture and he shall dispose of such animal as directed by such department. (Code 1959, § 4-2)

State law reference—Leaving dead animals in streets or remaining unburied on property, Code of Virginia, § 18.2-323.

Sec. 7-9. Keeping hogs.

It shall be unlawful for any person to keep a live pig, hog or pot bellied pig within the corporate limits of the city, except for the purpose of immediate killing in slaughterhouses, unless kept in a pen at least two hundred (200) yards from the nearest dwelling other than that of the owner of the pig or hog. The pen must be maintained free from flies and in a sanitary condition. Whenever in the opinion of the animal warden the pen shall become a nuisance, he shall order it to be abolished at once. Instead of a pen, a pot bellied pig may be kept inside the owner's or custodian's home as long as the keeping of the pig does not cause any offensive odors or noises that disturb any citizen of the city in the reasonable use and enjoyment of their property. When outside its owner's or custodian's home or its pen, a pot bellied pig must be secured by a leash or lead. If a pot bellied pig is kept outside it will be considered to be livestock and not a pet. (Code 1959, § 4-9; Ord. No. O-01-171, 9-18-01)

Charter reference—Prevention of the keeping of animals, § 38(21).

Sec. 7-10. Prohibited methods of taking fish.

It shall be unlawful for any person to kill, capture or destroy any fish within the corporate limits of this city by means of fish traps, fish nets or seines of any kind, or by the use of dynamite or fish berries. (Code 1959, § 4-10)

Sec. 7-11. Killing birds.

It shall be unlawful for any person to kill any sparrow, martin, wren or other bird within the city. But this section shall not apply to English sparrows, starlings or to pigeons; provided, however, that all killing or other control of such birds shall be done in accordance with all guidelines, rules, regulations and laws of the Commonwealth of Virginia. (Code 1959, § 4-11; Ord. No. O-84-192, § 7-10-84)

Secs. 7-12—7-32. Reserved.

ARTICLE II. DOGS AND CATS*

DIVISION 1. GENERALLY

Sec. 7-33. Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section:

Cat: Every cat regardless of age;

Dog: Every dog regardless of age;

Destructive dog or cat: For the purpose of this article a destructive dog or cat shall be:

(1) Any dog or cat that frequently or habitually injures or destroys property of any person other than the owner or custodian thereof; or

(2) Any dog or cat that frequently or habitually turns over garbage cans, when constructed and covered in strict accordance with chapter 21.2, of any person other than the owner or custodian thereof.

Own and owner: Includes any person having a right of property in a dog or cat, and any person who keeps or harbors a dog or cat or has it in his care, or who acts as its custodian, and any person who permits a dog or cat to remain on or about any premises occupied by him.

Public nuisance: For the purposes of this article a public nuisance dog or cat shall be:

(1) Any dog that molests passersby or passing vehicles;

(2) Any dog that attacks other animals;

(3) Any dog that trespasses on school grounds;

(4) Any dog that is in violation of section 7-36 on three (3) or more occasions;

(5) Any dog that damages private or public property; or

(6) Any dog or cat that barks or meows, whines, howls or cries, in an excessive, continuous or untimely fashion, that disturbs the peace and quiet of any person or neighborhood shall be deemed a public nuisance.

(7) Any cat that damages public or private property.

Run at large: A dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate physical or voice control; physical control shall include confinement of the animal by a fence, chain, leash or some other means of physical restraint or the owner's or custodian's physical presence; provided, that this section shall not apply where the owner, custodian or trainer has put down a dog for the express purpose of hunting game in an area where it is lawful to hunt, compete in field trial or train, and such dog becomes temporarily out of control of such owner, custodian or trainer or is returning to the place of release after the hunt or chase. (Code 1959, § 4-36; Ord. of 8-14-79; O-01-171, 9-18-01)

Sec. 7-34. Penalties.

The following acts shall be unlawful acts and constitute class 4 misdemeanors:

(a) License application: For any person to make a false statement in order to secure a dog license to which he is not entitled.

*State law reference—Dog laws, Code of Virginia, § 3.1-796.84 et seq.

(b) License tax: For any dog owner to fail to pay the license tax required by this Chapter before February 1st for the year in which it is due. In addition, the Court may order confiscation and the proper disposition of the dog.

(c) Leash ordinance: For any dog owner to allow a dog to run at large in violation of section 7-36.

(d) Rabies regulations: For any person to fail to obey an ordinance passed pursuant to section 7-95;

(e) Dead dogs: For any owner to fail to dispose of the body of his dog in accordance with section 7-8.

(f) Diseased dogs: For the owner of any dog with a contagious or infectious disease to permit such dog to stray from its premises if such disease is known to the owner.

(g) Removing collar and tag: For any person except the owner or custodian to remove a legally-acquired license tag from a dog.

(h) Concealing a dog: For any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a rabid dog to keep the same from being killed.

(i) Any other violation of this article for which specific penalty is not provided. (Code 1959, § 4-60; Ord. of 8-14-79)

Sec. 7- 35. De struc tive or pub li c nui sance dogs or cats.

Any person owning or having in his possession or under his control a dog or cat suspected of being a destructive dog or cat, or a public nuisance, shall be summoned before the general district court for the city to show cause why such dog or cat should not be confined or removed beyond the limits of the city, and upon proof that such animal is destructive or a public nuisance, such animal shall, upon order of the general district court, either be confined or removed beyond the limits of the city, as may be directed by the general district court. Any dog or cat considered to be a public nuisance shall be impounded in accordance with section 7-36. (Code 1959, 54-37; Ord. of 8-14-79; Ord. No. O-01-171, 9-18-01)

Sec. 7- 35.1. Dan ger ous or vi cious dogs.

(a) As used in this section, "dangerous dogs" means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, livestock or any other animal, other than a dog, or killed a companion animal, livestock or any other animal, and "vicious dogs" means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

As used in this section, "owner" means the current owner and any future owner of a dangerous or vicious dog.

(b) Any animal warden who has reason to believe that a canine or canine crossbreed within their jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the city for the issuance of a summons requiring the owner or custodian, if known, to appear before the general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The animal warden or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the animal is confined by the animal warden the owner shall be responsible for paying all the costs of such confinement. If the animal warden determines that the owner or custodian can confine the dog in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court finds

that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Section 3.1-796.119 of the Code of Virginia.

(c) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

(d) The owner of any animal found by a court to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the city collector for a fee of fifty dollars (\$50.00) in addition to other fees that may be authorized by law. The city collector shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this section shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

(e) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

(f) While on the property of its owner, an animal found by a court to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found by a court to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

(g) If the owner of an animal found by a court to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(h) After an animal has been found by a court to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.

(i) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence that the animal has been neutered or spayed.

(j) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$50,000 that covers animal bites.

(k) Notwithstanding the provisions of paragraph (b) of this section, an animal warden may determine, after investigation, whether a dog is a dangerous dog or vicious dog. If the animal warden determines that a dog is a dangerous dog or vicious dog, he may order the animal's owner to comply with the provisions of this section. If the animal's owner disagrees with the animal warden's determination, he may appeal the determination to the general district court for a trial on the merits, such appeal must be taken within ten (10) days of the animal warden's determination. Until the general district court make a finding that a dog is not a dangerous dog or vicious dog the animal's owner shall comply with the provisions of this section.

(l) The owner of any animal which has been found by a court to be a dangerous dog or vicious dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a class 1 misdemeanor.

(m) All fees collected pursuant to this section, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by this section, shall be paid into a special dedicated fund for the purpose of paying the expenses of any training course required under section 3.1-796.105 of the Code of Virginia. (Ord. No. O-94-307, 12-13-94, eff. 2-1-95; Ord. No. O-97-205, 10-14-97; Ord. No. O-01-171, 9-18-01)

Sec. 7-35.2. Hybrid canines.

(a) As used in this section:

"Adequate confinement" means that, while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid is determined to be a dangerous dog pursuant to section 7-35.1 of the city code, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

"Hybrid canine" means any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law-enforcement officer, animal control officer, humane investigator, official of the Department of Health, or State Veterinarian's representative.

"Responsible ownership" means the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and prevent endangerment by the animal to public health and safety.

(b) It shall be unlawful for any person to own or possess a hybrid canine four (4) months or older in the city unless the hybrid canine is licensed as required by the provisions of this section.

(1) Any person owning or possessing a hybrid canine four (4) months or older in the city shall obtain an annual permit from the animal warden no later than January 31 of each year. The permit shall not be transferable, shall expire on December 31 of each year and must be renewed by January 31 of each succeeding year. The cost of the permit shall be fifty (\$50.00) dollars per year and shall not be prorated.

(2) No person other than the operator of a pet store or dealer in companion animals shall own or possess more than two (2) hybrid canines.

(3) Each hybrid canine shall be permanently identified by means of a tattoo on the inside thigh or by electronic implantation. The animal warden shall provide the owner or custodian with a uniformly designed tag which identifies the animal as a hybrid canine and the owner or custodian shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times.

(4) The application for a permit shall include the sex, color, height, vaccination records, length, identifying marks, the location where the hybrid canine will normally be kept and such additional information as the animal warden determines is necessary.

(5) A hybrid canine shall at all times be confined in a proper enclosure or structure of such sufficient height and design to prevent its escape or direct contact with or entry by minors, adults or other animals. The owner's or custodian's property shall be posted with clearly visible signs warning both minors and adults of the presence of a hybrid canine.

(6) When off of its owner's or custodian's property a hybrid canine shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration but so as to prevent it from biting a person or another animal.

(c) A first violation of this ordinance shall be punished as a class 3 misdemeanor and any subsequent violation shall be punished as a class 1 misdemeanor. In addition any owner or custodian of a hybrid canine that fails or refuses to comply with the terms of this may be ordered by a court of competent jurisdiction to dispose of their animal. The court may order the owner or custodian of a hybrid canine to surrender the animal for euthanasia in accordance with the provisions of section 3.1-796.119 of the Code of Virginia.

(d) It shall be the duty of every veterinarian that practices in the city to notify the animal warden of the existence of a hybrid canine within the city. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 36. Own ers pro hib ited from al low ing dog to run at large.

(a) It shall be unlawful for the owner of any dog to allow such dog to run at large within the city even though the dog be both lawfully licensed and vaccinated.

(b) It shall be the duty of any police officer to seize and impound any and every dog found running at large in violation of this section. (Code 1959, § 4-44; Ord. of 8-14-79)

Sec. 7- 37. Bitches in heat.

(a) No person shall permit any bitch while in heat to go at large in the city. The owner of any bitch going at large while in heat shall be punished as provided in section 1-13, and the bitch shall be impounded in accordance with section 7-36. Impoundment shall not exempt its owner from the penalty referred to herein.

(b) When a bitch is in heat the owner or custodian must confine the animal indoors or in a securely enclosed structure of sufficient height and design to prevent its escape or direct contact with other animals.

(c) When a bitch is in heat it must be kept on a leash at all times when off the property of the owner or custodian. (Code 1959, § 4-38; Ord. of 8-14-79; Ord. No. O-01-171, 9-18-01)

Sec. 7- 38. Rabies vaccination required.

(a) It shall be unlawful for any person to own, keep, hold or harbor any dog or cat, over the age of four (4) months, within the boundaries of the city, unless such dog or cat shall have been vaccinated or inoculated against rabies with a species appropriate vaccine approved by the United States department of agriculture and administered by a licensed veterinarian or by a certified animal technician approved by the Virginia board of veterinary medicine, and has received any required revaccination against rabies as specified in the certificate of vaccination.

(b) Any person transporting a dog or cat into the city from some other jurisdiction shall be required to conform with the above regulation within fourteen (14) days.

(c) Any person owning, keeping or harboring any dog or cat over four (4) months old shall have the required vaccination performed within thirty (30) days of the passage of this section, or within fourteen (14)

days from the day on which the dog or cat is first owned, kept, harbored or moved into the city by the person, whichever is later.

(d) The owner of any dog or the owner's agent shall attach to the collar of such dog the current rabies tag supplied by the veterinarian or certified animal technician. Such collar and tag shall be worn by the dog at all times such dog is out of doors, whether on or off the premises of the owner. Cat owners are encouraged to tag their cats similarly but are not required to do so.

(e) The requirements of this section shall not apply to any dogs or cats temporarily brought into the city, for a period not to exceed thirty (30) days, for showing or breeding purposes, if such dogs or cats remain confined at all times. (Code 1959, § 4-42; Ord. of 8-14-79; Ord. No. O-87-059, § 1, 3-24-87; Ord. No. O-88-304, § 1, 11-22-88)

Sec. 7-39. Vaccination certificate issued.

(a) At the time of vaccination, a certificate of inoculation setting forth the type of vaccine used shall be issued to the dog's or cat's owner. A copy of the vaccination certificate shall be retained by the vaccinating veterinarian or the certified animal technician, and a copy shall be sent at once to the department of public health of the city and kept on file, where duplicate copies may be obtained by the owner upon payment of a fee of twenty-five cents (\$0.25). Such certificate of vaccination shall be properly executed and signed by the licensed veterinarian or certified animal technician performing the vaccination.

(b) The certificate issued pursuant to paragraph (a) of this section shall be NASPHV Form #50, or its equivalent, and shall certify that the dog or cat has been vaccinated in accordance with this article, and shall include the following information:

- (1) The date of the vaccination;
- (2) The date for required revaccination;
- (3) The rabies tag number;
- (4) A brief description of the dog or cat or its age, sex and breed; and
- (5) The name and address of the animal's owner.

(c) The certificate issued pursuant to paragraph (a) of this section shall be preserved by the owner of the dog or cat and exhibited promptly on request for inspection by the animal protection officer or any law enforcement officer. (Code 1959, § 4-43; Ord. of 8-14-79; Ord. No. O-87-059, § 1, 3-24-87)

Cross reference—Rabies control, § 7-95 et seq.

Sec. 7-40. Evidence of vaccination.

No license tag shall be issued for any dog or kennel unless there is presented to the city collector at the time application for license is made, evidence satisfactory to him showing that such dog or each dog to be maintained in such kennel has been inoculated or vaccinated against rabies by a currently licensed veterinarian. (Code 1959, § 4-48; Ord. of 8-14-79)

Sec. 7-41. Notification of presence of guard or attack dogs.

It shall be the duty of every dog trainer or breeder, veterinarian, owner or custodian to notify the animal warden of the presence of any trained attack, command or guard dog within the city. Any dog that has been trained or which is in the process of being trained as an attack, command or guard dog must be kept in a manner that will prevent it from getting loose while being trained or boarded. The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies. (Ord. No. O-01-171, 9-18-01)

Secs. 7-42—7-45. Reserved.

DIVISION 2. LICENSE*

Sec. 7-46. Required.

It shall be unlawful for any person to own or possess a dog four (4) months old or older in the city unless such dog is licensed as required by the provisions of this division. (Code 1959, § 4-42; Ord. of 8-14-79; Ord. No. O-91-176, 8-13-91)

Sec. 7-47. Application.

Any person may obtain a dog license by making oral or written application to the city collector, accompanied by the amount of the required license tax and the required certificate of vaccination. (Code 1959, § 4-45; Ord. of 8-14-79)

Sec. 7-48. Authority of collector.

The city collector shall have the authority to license dogs only of resident owners or custodians who reside within the boundary limits of the city, and may require information to this effect from any applicant. (Code 1959, § 4-46; Ord. of 8-14-79)

Sec. 7-49. Amount of tax.

The following license tax shall be the only license tax on dogs in the city:

(a) Fertile females	\$10.00
Infertile or spayed females	5.00
Fertile males	10.00
Infertile or neutered males	5.00

Any person who applies for a license tag for a neutered or infertile dog shall present at the time of application certification from a licensed veterinarian attesting to the neutering or infertility of the dog. If such certification is not so presented, the dog shall be taxed the fee levied on fertile dogs.

(b) Kennel for twenty (20) dogs or less	\$25.00
(c) Kennel for twenty-one (21) dogs or more	35.00

(d) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person or is trained and serves as a hearing dog for a deaf or hearing impaired person.

(e) All revenues collected by the city collector from the sale of license tags shall be deposited in the city's general fund. (Code 1959, § 4-47; Ord. of 8-14-79; Ord. No. O-87-083, § 1, 5-12-87)

Sec. 7-50. When tax payable.

The license tax on dogs required by this division shall be due and payable as follows:

(a) On or before January first and not later than January thirty-first of each year, the owner of any dog four (4) months old or older shall pay the license tax prescribed by this division.

(b) If a dog shall become four (4) months of age or come into the possession of any person between January first and November first of any year, the license tax for the current calendar year shall be paid forthwith by the owner.

*Crossreference—Department of finance, § 2-324 et seq.

(c) If a dog shall become four (4) months of age or come into the possession of any person between October thirty-first and December thirty-first of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner, and such license shall protect such dog from the date of purchase.

(d) No license tax shall be due upon a dog that is brought into the City after January 1 of a year on which similar license taxes or fees have been paid to a county, city or town by the current owner and of which the current owner of such dog was previously a resident. (Code 1959, § 4-49; Ord. of 8-14-79; Ord. No. O-91-176, 8-13-91)

Sec. 7-51. Pay ment of tax after sum mons.

The payment of the license tax required by this division subsequent to a summons to appear before a court for failure to do so within the time required shall not operate to relieve such owner from the penalties provided for the violation of this division. (Code 1959, § 4-50; Ord. of 8-14-79)

Sec. 7-52. Is su ance of re ceipt; de liv ery of tag.

Upon receipt of any application for a dog license, the required tax and the certificate of vaccination for the dog to be licensed, the city collector shall issue a license receipt for the amount, on which he shall record the name and address of the owner or custodian, the date of the payment, the year for which issued, and the serial number of the tag, and deliver the license tag. (Code 1959, § 4-51; Ord. of 8-14-79)

Sec. 7-53. Dis play of re ceipt upon re quest.

Dog license receipts hereunder shall be carefully preserved by the licensee and exhibited promptly on request for inspection by any animal warden or police officer. (Code 1959, § 4-52; Ord. of 8-14-79)

Sec. 7-54. License and identification tags to be affixed to collar.

Dog license and identification tags shall be securely fastened by the owner or custodian of a dog to a substantial collar worn by such dog, and it shall be unlawful for the owner to permit any licensed dog four (4) months old or over to roam at large at any time without a license tag and identification tag bearing the name and address of the owner, which identification tag shall be furnished by the owner. The owner of a dog may remove the collar and license required by this section when (i) the dog is engaged in lawful hunting, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of its owner. (Code 1959, § 4-53; Ord. of 8-14-79; Ord. No. O-91-176, 8-13-91)

Sec. 7-55. Com po si tion.

A dog license shall consist of a license receipt and a highly visible tag. The tag shall be stamped or otherwise permanently marked to show the sex of the dog, the calendar year for which issued and bear a serial number. (Code 1959, § 4-54; Ord. of 8-14-79)

Sec. 7-56. Term.

All dog licenses issued under this division shall run for the calendar year, beginning with January first of each year and ending with December thirty-first of the same year. (Code 1959, § 4-55; Ord. of 8-14-79)

Sec. 7-57. Dog not wear ing tag con sid ered un li censed; bur den of proof.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this division the burden of proof of the fact that such dog has been licensed or is otherwise not required to bear a tag at the time shall be on the owner or custodian of the dog. (Code 1959, § 4-56; Ord. of 8-14-79)

Sec. 7-58. Duplicate tag.

If a dog license shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the city collector for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the city collector that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag, which the owner or custodian shall immediately affix to the collar of the dog. The city collector shall endorse the number of such duplicate license tag and the date issued on the face of the original license receipt. The fee for such duplicate license tag shall be one dollar (\$1.00), which shall be reported in the gross dog license collections. (Code 1959, § 4-57; Ord. of 8-14-79)

Sec. 7-59. Kennel dogs.

The owner of a kennel shall securely fasten the license tag issued pursuant to this division to the kennel enclosure in full view and keep one of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and properly shown to any animal warden or other law enforcement officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure, but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian thereof for the purposes of exercising, hunting, breeding, trial or show. (Code 1959, § 4-58; Ord. of 8-14-79)

Sec. 7-60. Records; reports; audit.

The city collector shall enter in a dog license sales record the date of the sale of dog tags, including kennels, the names and addresses of persons to whom sold and the serial number and shall keep an account of the amount of the license tax paid. The city collector shall keep a copy of such dog license sales record in numerical order and at the close of the calendar year shall file an annual report of such sales with the city manager and the director of fiscal management and information services. The director of fiscal management and information services shall audit such records, accounts and unsold dog license tags, and authorize the city collector to destroy unsold tags. (Code 1959, § 4-59; Ord. of 8-14-79)

Secs. 7-61—7-73. Reserved.**ARTICLE III. IMPOUNDMENT****Sec. 7-74. Authority.**

It shall be the duty of the animal warden to impound any dog four (4) months old or over or unknown ownership found running at large on which there is no tag indicating that a license has been paid, and it shall also be his duty to impound any other animal where provisions for its keeping, custody or impounding by law enforcement officers is required under this chapter, state law or city ordinance. (Code 1959, § 4-39; Ord. of 8-14-79; Ord. No. O-91-176, 8-13-91)

Sec. 7-75. Right of entry.

The animal warden is hereby authorized to enter upon any fenced or unfenced lot, tract or parcel of land for the purpose of seizing and impounding any animal found thereon in violation of this chapter. (Ord. No. O-01-171, 9-18-01)

Sec. 7-76. Registrar.

The animal warden, upon impounding or receiving any animal under the provisions of this article, shall make a complete registry of such animal, entering the breed, color and sex of the animal and whether the animal has been vaccinated, and the time and place of taking such animal into custody.

Sec. 7-77. Right to redeem.

The owner of any animal which has been impounded or quarantined under any of the provisions of this chapter shall have the right to redeem the same upon the payment of any and all fees set forth in section 7-79 of this chapter and any additional fees which may be due and payable for the impoundment or quarantine of such animal; provided, however, the payment of such impoundment or quarantine fees shall not bar the imposition of any fine which may be imposed for the violation of this chapter. (Code 1959, §§ 4-15, 4-18; Ord. No. O-91-176, 8-13-91)

Sec. 7-78. Time for redemption.

Each and every animal impounded by the animal warden shall be held in the city pound for a period of not less than five (5) days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the owner thereof. (Code 1959, § 4-41; Ord. Of 8-14-79)

Sec. 7-79. Fees.

The following fees shall be charged for the impoundment of any animal under the provisions of this article:

- | | |
|---|----------|
| (a) For the first day of impoundment, or fraction thereof | \$ 15.00 |
| (b) For each succeeding day of impoundment, or fraction thereof | 5.00 |

The above fees shall be in addition to any fine or other penalty for the violation of this chapter. (Code 1959, § 4-41; Ord. of 8-14-79; Ord. No. O-91-044, 3-12-91)

Sec. 7-80. Redemption of unvaccinated animal.

The owner of any impounded domesticated animal which has not been vaccinated as required by this chapter, upon satisfactory proof of ownership, may redeem his animal by making a deposit of ten dollars (\$10.00) with the animal warden and be allowed twenty-four (24) hours to get such animal vaccinated. If such owner fails to procure a vaccination certificate within such twenty-four (24) hours, the deposit shall be forfeited and the animal shall be impounded again. Upon presentation within such period of time of a certificate of vaccination issued under this chapter, the deposit shall be refunded.

Sec. 7-81. Redemption by person other than owner.

A custodian of a dog or individual who has found a dog may qualify as owner and may claim the dog by expressing his desire in writing to claim the dog at the expiration of the five (5) day period set out herein, after payment of the required license fee. Provided, however, in the event the rightful owner shall claim such dog at any time, the custodian or finder shall relinquish possession of such dog to the rightful owner. (Code 1959, § 4-41; Ord. of 8-14-79)

Sec. 7-82. Disposition of funds.

All moneys received and collected under the provisions of this article shall be deposited in the general fund of the city.

Sec. 7-83. Disposition of unredeemed animals.

If any animal impounded under the provisions of this article is not redeemed by any person, it may be delivered to the Lynchburg Humane Society for disposition according to law. (Code 1959, § 4-41; Ord. Of 8-14-79)

Sec. 7-84. Humane destruction.

No provision of this article shall prohibit the destruction of a critically injured or critically ill animal for humane purposes. (Code 1959, § 4-41; Ord. of 8-14-79)

Sec. 7-85. Reports.

The animal warden shall file such reports of his activities under the provisions of this article, under oath, as are required by the mayor and council.

Secs. 7-86—7-94. Reserved.**ARTICLE IV. RABIES CONTROL*****Sec. 7-95. Quarantine of suspected animal.**

Any animal which bites or scratches a person or which otherwise gives symptoms of having rabies shall be immediately reported to the director of health and shall thereupon be securely quarantined at the direction of the director of health, for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the director of health or under his direction. At the discretion of the director of health, such quarantine may be on the premises of the owner, at the shelter designated as the city pound, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city pound.

Sec. 7-96. Duty of owner to surrender animal; redemption.

The owner, upon demand by the director of health, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner. Said animal may be reclaimed by the owner if it is adjudged free of rabies, upon payment of fees determined therefor by the council from time to time.

Sec. 7-97. Disposition of dead rabid animal.

When rabies has been diagnosed in an animal under quarantine or rabies suspected by a licensed veterinarian, and the animal dies while under such observation, the director of health shall immediately send the head of such animal to the state health department for pathological examination and shall notify the proper public health authorities of reports of human contacts and the diagnosis.

Sec. 7-98. Area-wide quarantine—When imposed.

Where there is sufficient reason to believe that a rabid animal is at large, the council shall have the power, pursuant to section 29-213.21 of the Code of Virginia (1950), as amended, to pass an emergency ordinance requiring owners of all animals within the city to keep the same confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten thereby. (Code 1959, § 4-40; Ord. of 8-14-79)

Sec. 7-99. Same—Vaccination.

During the area-wide quarantine period and as long thereafter as he decides it is necessary to prevent the spread of rabies, the director of health may require that all animals, three (3) months of age or older, shall be vaccinated against rabies. All vaccinated animals shall be restricted (leashing or confinement on enclosed premises) for thirty (30) days after vaccination. During the quarantine period, the director of

***Cross references**—Health department, § 2-349 et seq.; rabies vaccination of dogs, § 7-37.

health is hereby empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located through the area of the health jurisdiction. (Code 1959, § 4-14)

Sec. 7- 100. Same—Re demp tion of strays re stricted.

No animal which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted from any animal shelter during the period of rabies emergency quarantine, except by special authorization of the director of health.

Sec. 7- 101. De struc tion, iso la tion of bit ten ani mals.

Animals bitten by a known rabid animal shall be immediately destroyed, or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in a kennel, designated by the director of health, for six (6) months shall be enforced. If the animal has been previously vaccinated, within time limits established by the public health service based on the kind of vaccination used, revaccination and restraint (leashing and confinement) for thirty (30) days shall be carried out.

Sec. 7- 102. Ex ten sion of quar an tine.

In the event there are additional cases of rabies occurring during the period of area-wide quarantine, such period of quarantine may be extended for an additional period of time.

Sec. 7-103. Destruction, removal of rabid animals.

No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove such animal from the city limits without written permission from the director of health.

Sec. 7- 104. Sur ren der of car cass.

The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the director of health.

Sec. 7- 105. Re port of bite cases.

It shall be the duty of every physician, or other medical practitioner, to report to the director of health the names and addresses of persons treated for bites, inflicted by animals together with such other information as will be helpful in rabies control.

Sec. 7- 106. Fail ure to obey.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the director of health.

Sec. 7- 107. Re port of sus pected cases.

It shall be the duty of every licensed veterinarian to report to the director of health and animal considered by him to be a rabies suspect.

Sec. 7- 108. Ex emp tions.

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except where expressly stated.

ARTICLE V. PET SHOPS**Sec. 7-110. Permit to operate required.**

(a) Beginning January 1, 2002, it shall be unlawful for any person to operate a pet shop or act as a dealer in companion animals in the city who does not possess a valid permit issued by the animal warden. Only a person who complies with the requirements of this article shall be entitled to receive or retain such permit. The fee for a permit shall not be prorated, and the permit shall not be transferable. Such a permit shall be posted in a conspicuous space on the premises.

(b) Any person operating a pet shop or operating as a dealer in companion animals, shall obtain the necessary permit from the animal warden no later than January 31 of each year. Such permit will be renewable each January 31 thereafter subject to the approval of the animal warden. The cost for each permit will be fifty (\$50.00) dollars per year.

(c) Any person obtaining a permit pursuant to this section will be required to maintain records as specified by the city on the application form. The animal warden will be allowed to inspect any facility at which the permittee is maintaining animals without prior notice to the permittee.

(d) Applications and renewals for permits issued pursuant to this section may be denied by the animal warden if the applicant or permittee has demonstrated fraudulent practices, inhumane treatment of animals, or violation of local, state or federal laws applicable to animals.

(e) Any person operating a pet shop or as a dealer in companion animal who continues operation after suspension or revocation of their permit shall be guilty of a class 1 misdemeanor for each day of operation after revocation. (Ord. No. O-01-171, 9-18-01)

Sec. 7-111. Enforcement.

(a) Penalty. Except as otherwise provided, a first violation this article shall be punished as a class 3 misdemeanor and any subsequent violation shall be punished as a class 1 misdemeanor.

(b) Violation. It shall be unlawful for any person, firm, corporation or association to violate any provisions of this article.

(c) It is further provided that nothing in this article shall excuse compliance with the provisions of the zoning ordinance of the city. (Ord. No. O-01-171, 9-18-01)

Sec. 7-112. Suspension or revocation of permits.

(a) Suspension of permit. Whenever the animal warden finds a violation of this article, including but limited to unsanitary conditions, inhumane treatment of animals, or other conditions in the operation of a pet shop or the premises of a dealer which constitutes a substantial hazard to health, safety, or well-being of the animals or to the public health, the animal warden may, without warning, notice or hearing, issue a written notice to the permit holder or operator citing such conditions, specifying the corrective action to be taken, and qualifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the permit is immediately suspended and the sale of animals is to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the chief of police shall be afforded a hearing within five (5) work days.

(b) Reinstatement of suspended permits. Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within five (5) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the animal warden or designee shall make a reinspection. If the applicant is found to be complying with the requirements of this article, the permit shall be reinstated.

(c) Revocation of permits. A permit may be revoked after investigation and hearing by the animal warden. The animal warden will serve at least five (5) days written notice of intent to revoke a permit, stating the reasons for which the permit is subject to revocation on the permittee either in person or by posting of the notice to the front door of the facility where such animals are kept. A hearing will be held within ten (10) days of service of the notice. Testimony by the serving officer that notice was served upon the permittee or posted at the facility where the animals are maintained will constitute prima facie evidence of proper service. A permit may be revoked for fraudulent practices, inhumane treatment of animals, or a violation of local, state or federal laws applicable to animals. The animal warden will provide written reasons for any determination of revocation within five (5) day of hearing. Any person whose permit has been revoked shall immediately cease business, but upon written petition to the chief of police shall be afforded a hearing within five (5) workdays. An owner whose permit has been revoked may reapply for a permit two (2) years or more after the date of revocation.

(d) Any person operating a pet shop or dealer in companion animals or who continues operation after revocation of their permit shall be guilty of a class 1 misdemeanor for each day of operation after revocation. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 113. Failure of pet shop operator or dealer to provide adequate care, etc.

It shall be unlawful for persons who operate a pet shop or act as a dealer as defined in this article to fail to provide adequate care for animals in their possession or custody as provided for in this article. Dogs and cats must be exercised outside the primary cage at least once daily. Such animals shall be subject to immediate seizure and impoundment; and upon conviction of the person, the animals may be sold or humanely euthanized as provided by section 3.1-796.96 of the Code of Virginia. Such failure shall also constitute grounds for revocation of the pet shop permit. Any funds that result from such sale shall be used first to pay the cost of the city for the impoundment and disposition of the animals, and any funds remaining shall be paid to the owner, if known. In the event that the owner is not found, the remaining funds shall remain with the city. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 114. Access to establishments.

The animal warden, after proper identification, shall be permitted to enter at any reasonable time or under emergency conditions any pet shop or premises of a dealer within the city for the purpose of making inspections to determine compliance with this article. The animal warden shall be permitted to examine the records of the pet shop or dealer to obtain pertinent information pertaining to purchases, sales, name and address of persons employed. When permission is refused or cannot be obtained, inspections may be conducted upon obtaining a lawfully authorized warrant or compulsory process. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 115. Housing facilities.

(a) Buildings shall be structurally sound and maintained in good repair so as to ensure protection of animals from injury.

(b) The floors, walls and ceilings shall be kept clean and in good repair.

(c) Floor and wall areas which are continuously subjected to splash and moisture shall have washable surfaces and be easily cleanable.

(d) The building shall be provided with a safe heating apparatus capable of sufficiently heating the animal housing facilities when necessary to protect the animals from cold, and to provide for their health and comfort. The ambient temperature shall be consistent with the generally accepted requirements of the species.

(e) Housing for animals shall be adequately ventilated to provide for the health and comfort of animals at all times. The maximum ambient temperature for animals shall be 85° F (29.4° C). Ventilation shall be

deemed adequate only if auxiliary ventilation, such as exhaust fans, vents, and air conditioning, is provided. Animals shall be provided with fresh air; and the animal housing facility shall be ventilated to minimize drafts, odors and moisture condensation.

(f) The pet shop facility or premises of a dealer shall be properly lighted. Such lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning. Primary enclosures shall be so placed as to protect the animals from excessive illumination. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 116. Food, bedding and refrigeration.

Food supplies and bedding materials shall be stored and adequately protected against infestation and contamination which would render the food unfit for consumption or bedding unclean. Refrigeration adequate to prevent spoilage shall be provided for perishable food and, when necessary, for medication. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 117. Waste disposal.

Provisions shall be made for the removal and disposal of animal and food waste, bedding, dead animals and debris. All garbage and rubbish containing animals or food waste, bedding or dead animals shall, prior to disposal, be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids when not in continuous use. All other rubbish shall be disposed of in an approved manner. All garbage and rubbish shall be disposed of with sufficient frequency and in such manner as to prevent a nuisance. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 118. Drainage.

A suitable method shall be provided to rapidly eliminate excess water from the indoor housing facilities. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 119. Sewage disposal.

All sewage shall be disposed of in a public sewage system, or, in the absence thereof, in a manner approved by the animal warden. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 120. Plumbing.

All plumbing fixtures and appurtenances must be maintained in good working condition. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 121. Vermin control.

Effective measures shall be taken to protect against the entrance of vermin into the pet shop and their breeding or presence on the premises. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 122. Wash rooms, sinks, etc.

Facilities, such as toilet facilities and hand basins, including soap and disposable paper towels, shall be provided and be conveniently assessable to employees. An adequate sink supplied with hot and cold water for washing and sanitizing the equipment shall be provided. Such facilities shall be kept in a clean condition and in good repair. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 123. Sanitation, etc.

Living and sleeping quarters and places where food and drink for human consumption are served or stored shall be completely separated from the physical facilities housing animals. Storage of animal food shall be separated from the animal bathing and grooming area.

Birds shall not be housed in the same area where food for humans is handled, stored, processed or served, unless such birds are kept in a separate enclosure which is vented to outside air; screening shall not be considered a complete enclosure. (Ord. No. O-01-171, 9-18-01)

Sec. 7-124. Grooming facilities.

Facilities used in connection with the grooming and/or bathing of animals, such as grooming tables, bathing tubs, and grooming tools, etc., shall be kept clean. Grooming tables shall be cleaned and sanitized between use. (Ord. No. O-01-171, 9-18-01)

Sec. 7-125. Primary enclosure.

(a) A primary enclosure shall be provided for each animal; and two (2) or more animals of the same species may be housed together if the enclosure meets the criteria set forth herein for that animal.

(b) Primary enclosures shall be structurally sound and maintained in good repair to protect animals. They shall be constructed and maintained so as to enable the animals to remain dry and clean when appropriate for the species. Walls and floors shall be impervious to urine and other moisture.

(c) The floors of the primary enclosure shall be constructed so as to protect the animals' feet and legs from injury. Primary enclosure for animals, except cats, may have wire or grid flooring, provided that the gauge of the wire or grid material is of adequate size to support the animal and to prevent sagging under the weight of the animal and provided that the mesh openings are of a suitable size for the age and species of the animal. Wire or grid flooring for animals (quadrupeds), except cats, shall have mesh openings of such size as to prevent the animals' feet from passing through the openings. Cages for dogs with wire flooring shall have at least twenty-five (25) percent of the floor area covered with solid, impervious material. Primary enclosures for cats shall have solid floors.

(d) Each primary enclosure shall be constructed and maintained so as to provide sufficient space to allow each animal to turn about freely and to easily stand, sit or lie in a comfortable position. The minimum height of an enclosure for a dog shall be the height of the dog at the top of the head plus six (6) inches, and the minimum length of the dog from the tip of the nose to base of the tail plus at least six (6) inches. Containing a dog by means of tying or chaining shall not be permitted, except that dog may be restrained when grooming if the chain is placed or attached to a well-fitted collar.

(e) A primary enclosure for a cat shall have a liner pan, made from nonabsorbent material, or disposable pans containing sufficient clean litter to contain the excreta. Primary enclosures housing more than one (1) cat shall provide an elevated solid resting surface or surfaces, which shall be of adequate size to comfortably hold the occupants.

(f) All cages and enclosures used for holding birds shall be of metal or nonabsorbent construction, readily cleanable, and elevated at a distance of not less than twelve (12) inches from the floor; except that full flight cages may be less than twelve (12) inches from the floor, if the cage or enclosure is located so it is not subject to drafts or sudden changes in ambient temperature. Excreta shall be removed from the cages daily and disinfected at least weekly. Each bird cage shall contain an adequate number of perches for every bird confined therein; except that perches will not be required in cages housing species of ground-dwelling birds, or other species where the use of perches would be detrimental to the birds' well-being.

(g) Housing facilities and primary enclosures for fish, reptiles, amphibians, small rodents and insects shall be kept clean so as to reduce disease hazards and odors. Housing facilities and primary enclosures for all other animals, including, but not limited to, dogs and cats, shall be cleaned a minimum of once each twelve (12) hour period and more frequently as may be necessary to reduce disease hazards, odors and discomfort of the animals.

(h) Primary enclosures for dogs and cats shall be sanitized at intervals not to exceed forty-eight (48) hours or as often as necessary to prevent contamination of animals contained therein, or spread of disease.

Sanitizing shall be by washing the surfaces with a detergent solution followed by the application of a safe and effective disinfectant.

(i) For purposes of health and sanitation, fish tanks or aquariums shall be equipped with an efficient filtration system. The water temperature in a fish tank or aquarium shall be maintained at a constant level appropriate for the fish contained therein, except that certain species of pond-swelling fish may be kept in fish bowls which do not have filtration systems, provided that the water is changed with such frequency that it does not become deleterious to the well-being of the fish. Each fish tank containing warm-water fish shall be maintained at a temperature appropriate for the species.

(j) Cages or tanks in which turtles of the amphibious type are confined must contain an amount of water sufficient for each turtle to drink and moisten itself. The floor area of tanks in which turtles are confined must contain a dry area sufficient for each turtle therein; except that certain species of turtle, such as marine species, which normally would not require a dry area for their well-being will not be required to have a dry area provided for them. (Ord. No. O-01-171, 9-18-01)

Sec. 7-126. Nutrition.

All animals shall be supplied with sufficient, wholesome food and water, free from contamination, and which food and water shall be of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of each animal and to assure the proper health of each animal.

(a) Water. Fresh, potable water shall be available at all times unless veterinary orders indicate to the contrary.

(b) Food. Animals other than certain reptiles shall be fed at least once each twelve (12) hours, including Sunday and holidays, except as otherwise might be prescribed by a licensed veterinarian. Reptiles shall be fed in accordance with the customary feeding habits of the species. Puppies and kittens under four (4) months of age shall have food continuously available or be fed at least three (3) times in each twenty-four (24) hour period. An adequate supply of fresh food shall be available to birds and small rodents at all times, unless veterinarian instruments are to the contrary.

(c) Food and water receptacles. Each feeding pan shall be durable and shall be sanitized daily. Self-feeders may be used for the feeding of dry food provided that they are durable and are cleaned and sanitized regularly to prevent molding or caking of food. If disposable food receptacles are used, they must be discarded after each feeding. Water vessels shall be designed to provide and dispense adequate quantities of water for the particular species, shall be placed in such a way to prevent spillage, and shall be cleaned and sanitized at least once each day, except that sipper-tube type water bottles, if used, shall be kept clean and sanitized regularly, kept free of dirt, debris and algae, and shall be cleaned and sanitized prior to an animal's being placed in a primary enclosure. (Ord. No. O-01-171, 9-18-01)

Sec. 7-127. Health of animals.

(a) It shall be the obligation of every operator or dealer to assure that the health condition of each animal shall be observed daily by a person competent to recognize and evaluate general symptoms of sick or diseased animals, including but not limited to listlessness, unthriftiness, loss of condition, rough hair coat, loss of weight, failure to eat or decreased appetite, diarrhea, eye or nasal discharge, labored or distressed breathing, conjunctivitis, prostration, skin lesions or loss of hair, elevated body temperature, pulse rate and respiration rate.

Any animal that is suspected, believed or known to be sick, diseased, injured, lame or blind shall be provided with immediate and adequate veterinary care; or such animal may be disposed of by humane euthanasia as performed, or instructed by an individual licensed to practice veterinary medicine in the Commonwealth of Virginia.

The method of humane euthanasia must be approved by the Virginia State Veterinarian except that small rodents, birds, reptiles, fish and amphibians may be euthanized by a method recommended by the Humane Society of the United States.

(b) Dogs shall be properly immunized for distemper, hepatitis and leptospirosis as is appropriate with the age of the animal. Cats shall be immunized for feline distemper (panleukopenia, pneumonitis and rhinotracheitis) as is appropriate with the age of the animal. A written record of such immunizations shall be provided to the purchaser at the time of sale.

(c) The pet shop shall provide the purchaser of an animal with written instructions on the care and feeding of the animal purchased.

(d) Any animal that is suspected, believed or known to have, or to exhibit symptoms of having, an infection, disease or illness, or exhibit symptoms of clinical illness due to malnutrition or parasitism, shall not be sold or transferred unless the purchaser is provided written information stating when the animal had the illness, nature of treatment and by whom.

(e) Any animal which is capable of transmitting an infectious agent shall be isolated at all times in a manner to prevent spread of the disease to healthy animals.

(f) Dogs and cats under eight (8) weeks of age shall not be displayed by pet shops or sold by pet shops or dealers.

(g) Any animal which is under quarantine or treatment for a communicable disease shall be separated from other animals susceptible to such disease in such a manner as to minimize dissemination of such disease.

(h) Birds which appear to manifest clinical evidence of disease, including, but not limited to, diarrhea, nasal discharge, depression, dry or brittle feathers, shall be immediately separated from healthy birds by means of separate cages. Whenever the animal warden determines that psittacosis exists in any bird housing facility or establishment handling such birds, the animal warden is empowered to proceed to abate, correct and end such public health menaces.

(i) The animal warden or designee may order quarantine on the premises or housing facilities in which animals are known to be exposed or exhibit symptoms of having infectious and contagious diseases.

Quarantine shall be removed when, at the discretion of the animal warden, the disease conditions for which quarantined are no longer evident and the apparent health of the animals indicate absence of contagious disease. (Ord. No. O-01-171, 9-18-01)

Sec. 7- 128. Pest control program.

An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained whenever necessary to maintain adequate health standards. (Ord. No. O-01-171, 9-18-01)